

**Remarks**

**Summary of the Office Action**

Claims 17-22 and 4-6 stand rejected to under 35 U.S.C. § 101 because claims 1-8 are directed to a recording medium storing descriptive material.

Claims 17-22 and 4-6 stand rejected to under 35 U.S.C. § 102(e) as being anticipated by Khavakh et al. (US 2003/0028319 A1).

Claims 9-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Khavakh et al. (US 2003/0028319 A1) in view of Sawabe et al. (US 2002/0176695 A1).

**Summary of the Response to the Office Action**

Claims 17 and 20 have been amended to more particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claim 12 has been amended to correct a typographical error by placing a period at the end of the claim. Accordingly, claims 4-6 and 9-22 are presently pending for consideration.

**All Claims Define Patentable Subject Matter under 35 U.S.C. § 101**

Claims 17-22 and 4-6 stand rejected to under 35 U.S.C. § 101 because claims 1-8 are directed to a recording medium storing descriptive material. Applicants presume that the reference to “claims 1-8” is a typographical error in the Office Action. Applicants are responding to this rejection based on the Examiner’s comments at pages 2-4 of the Office Action.

The Examiner asserts at page 2 of the Office Action that claims 17 and 20 do not overcome the 35 U.S.C. § 101 rejection of record because the “navigation system” does not have

patentable weight. Further, the Examiner asserts that there is no functional relationship between a data structure and other aspects of the invention, which will permit the data structure's functionality to be realized. By way of the foregoing Amendment, Applicants have amended independent claims 17 and 20 to address the Examiner's concerns. In particular, Applicants have amended independent claims 17 and 20 to impart a functional interrelationship between the navigation information recorded on the recording medium and the navigation system, which will permit the navigation system's functionality to be realized. These changes were discussed in the Examiner Interview on March 12, 2004. The Examiner is thanked for his indication on the Interview Summary form that "it appears that the amended claims overcome the 35 U.S.C. § 101 rejection." Accordingly, Applicants respectfully submit that newly-amended independent claims 17 and 20, and, accordingly, also their dependent claims 4-6, 18, 19, 21 and 22, fully comply with the requirements of 35 U.S.C. § 101. Accordingly, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

**All Claims Define Allowable Subject Matter under 35 U.S.C. § 102**

Claims 17-22 and 4-6 stand rejected to under 35 U.S.C. § 102(e) as being anticipated by (US 2003/0028319 A1) to Khavakh et al. To the extent that this rejection is considered to apply to independent claims 17 and 20, as amended, the rejection is respectfully traversed as being based upon a reference that neither anticipates nor suggests the novel combination of features now recited in independent claim 1. For example, claims 17 and 20 now recites, amongst other features, "a plurality of recording layers respectively read at different focal points, a plurality of navigation information is stored on each of the plurality of recording layers."

In contrast to the recording layers recited in the present claims, the layers described in Khavakh et al. are not recording layers within a recording medium. More particularly, the layers of Khavakh et al. are not respectively read at different focal points. Khavakh et al. discloses at paragraph [0036] with regard to the block diagram in Figure 3 that layers 0 to n are stored in a database. There is no disclosure in Khavakh et al. that layers of information in a database are respectively read at different focal points. Applicants respectfully assert that the layers described in Khavakh et al. are merely layers of a ranking system for cataloging roads that have been ranked. Applicants further respectfully assert that there is absolutely no disclosure in Khavakh et al. with regard to recording layers in a recording medium, much less recording layers respectively read at different focal points and that are readable by a navigation system, as recited in at least newly-amended independent claims 17 and 20.

For at least the above reasons, Applicants respectfully submit that independent claims 17 and 20, and hence dependent claims 4, 5, 6, 18, 19, 21 and 22, all recite a novel combination of features that are neither anticipated nor suggested by Khavakh et al. Accordingly, Applicants respectfully assert that the rejection of claims 17-22 and 4-6 under 35 U.S.C. 102(e) should be withdrawn.

**All Claims Define Allowable Subject Matter under 35 U.S.C. § 103**

Claims 9-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Khavakh et al., in view of Sawabe et al. (US 2002/0176695 A1). The rejection is traversed as being based upon references that do not teach or suggest, either singly or in combination, all of the features recited in the claims 9-16. For example, independent claim 9, and hence dependent claims 10-14, are directed to an information reproducing apparatus for reproducing information from a

recording medium having a plurality of recording layers, on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same one of the plurality of recording layers. In another example, independent claim 15, and hence dependent claim 16, is directed to an information reproducing apparatus for reproducing information from a recording medium having a plurality of recording layers, in which there are a plurality of areas and on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same area of each of the plurality of recording layers.

Applicants respectfully assert that Khavakh et al. discloses a system for storing roads in bands within a database rather than disclosing an apparatus in which information is stored in the recording layers of a recording medium, as discussed above. Accordingly, Applicants respectfully assert that Khavakh et al. does not teach or suggest all of the features recited in claims 9-16. Moreover, Applicants respectfully assert that the Office Action does not rely on Sawabe et al. to teach or suggest an arrangement of navigation information on the recording layers of a recording medium. Applicants submit that Sawabe et al. discloses an apparatus for reading a DVD but does not disclose where, how, or what type of information is stored on the DVD. Thus, Sawabe et al. does not remedy the deficiencies of Khavakh et al. For at least these reasons, Applicants respectfully assert that the rejection of claims 9-16 under 35 U.S.C. 103(a) should be withdrawn.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite the prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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